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EXAMINER	
WEBSTER, B	

ART UNIT	PAPER NUMBER
2614	2

26M1

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DATE MAILED: 04/02/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), -0- days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-7 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-7 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 9-89)

1. The drawings are objected to because of the following informalities;

i) In Figures 1 and 3, there are no labels specifying particular elements.

ii) In Figures 1 and 3, there is no designation of signal flow.

iii) In Figure 2, there should be a note or label designating that BYT3=BYT4 and BYT6=BYT7.

Correction is required.

2. Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

3. The disclosure is objected to because of the following informalities: i) on page 4, paragraph 4, "operations 1", should be operational. Appropriate correction is required.

4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an enabling disclosure.

The applicant's claimed invention lacks and enabling disclosure due to the fact that the claimed invention shows no improvement over the prior art. In the Background of the Invention, applicant discloses that in real time systems the deletion a valid bit by the invention of a unique symbol causes discontinuity in the system and result in several different types of errors. However, i the specification the applicant discloses the fact that by requiring the sync byte to replace only equivalent sample degradation will not occur like in the prior art, (see page 4. third paragraph). There is, however, no evidence to back up this claim. Applicant does not provide any information on why using equivalent samples is any different from the methods known in the prior art. The claimed invention, until showing by applicant, shows no improvement over the prior art.

5. Claims 1-7 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

6. Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider claim 1, claim 1 is rejected as being functional. It is unclear how it does the steps that is claims. Consider claims 2, 3, 5-7, these claims are being rejected because there

is no claimed limitation to support the statements equivalent, or immediately preceding. Applicant should define equivalence and immediately preceding in the claims.

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

9. Claim 1-4 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Bahl et al.

Consider claim 1, Bahl et al discloses a method of preparing signals for transmission by which two consecutive non-zero symbols are separated by other specific bits. (see the

Introduction and page 1), but Bahl does not disclose an synchronization bit being inserted into the data stream. Bahl et al method is to reduce the possibility for intersymbol inference and loss of synchronization. It is commonly known to those of ordinary skill is the art to insert a synchronization bit into a data stream for the purpose of creating a guard signal to protect the data signals, or to protect it against a loss of synchronization. It would have been obvious at the time of invention to a person with ordinary skill in the art to incorporate the teachings of Bahl et al with the applicant's in order to use a syronization signal as a means by which to reduce noise and interference in the system. using the syronization bit as an spacing element to keep the individual bits from becoming to close together and thereby maintaining the syronization of the system. Consider claims 2, 3 and 7 given the teachings of Bahl et al, claims 2, 3 and 7, a method of transmission and reception which is inherent to the invention. Claim 4, lacks criticality or showing by the applicant.

10. Claims 5 and 6 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan E. Webster whose telephone number is (703) 305-~~4772~~ 4869.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

Bryan E. Webster

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2600